

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

JOE CLARK MITCHELL

Petitioner

v.

JAMES FORTNER, Warden

Respondent

No. 1:93-0073  
Judge Haynes

*DUPED*  
*This motion*  
*is GRANTED*  
*only as to*  
*appointment*  
*of counsel,*  
*not*  
*on*  
*the*  
*effect*  
*of*  
*Martinez*  
*will go*  
*yes*  
*7-30-12*

**MOTION FOR CONFIRMATION/RE-APPOINTMENT OF COUNSEL**

In habeas proceedings in this Court, this Court has previously appointed the Office of the Federal Public Defender to represent the Petitioner, and undersigned counsel has worked on Petitioner's case since filing a 2005 Motion For Relief From Judgment on Petitioner's behalf. While proceedings on that motion ultimately terminated in 2011, Petitioner has this day filed another Motion For Relief From Judgment in light of all the equities and especially the Supreme Court's recent decision in Martinez v. Ryan, 566 U.S. \_\_\_\_ (2012), which entitles Mitchell to reopen the habeas proceedings under Fed.R.Civ.P. 60(b). As the Court can see, the issues presented in the motion are novel and complex, and Petitioner requires counsel to assist him before this Court. This Court should therefore confirm that, pursuant to 18 U.S.C. §3006A, the Office of the Federal Public Defender (and undersigned counsel) shall continue to represent Petitioner in these proceedings, and/or the Court should re-appoint counsel to do so.